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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,507	07/23/2003	Keith Baker	T01073-0006-US	7404

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CANADA

EXAMINER
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SORRELL, ERON J

ART UNIT	PAPER NUMBER
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2182

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/624,507

Applicant(s)

BAKER ET AL.

Examiner

Eron J. Sorrell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 November 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 6-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____   | 6) <input type="checkbox"/> Other: _____                          |

DETAILED ACTION

*Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/18/06 has been entered.

*Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-3 and 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Referring to claim 1, the claim recites, *inter alia*, that a port of the DTE is "connectable" to a port of the DCE. It is

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unclear to the Examiner if the DTE is actually connected to the DCE in order to carry out the claimed communication between the DTE and DCE. Per MEPP 2106, "Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. For the purpose of compact prosecution, the Examiner will interpret the claims as the DTE and DCE are connected, however appropriate correction is required.

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1,2,6,9-11, and 15 are rejected under 35 U.S.C.

103(a) as being unpatentable over Pascolini (US Pub. No.

2002/0069300) in view of Lee (U.S. Patent No. 7,069,346).

7. Referring to apparatus claim 1, Pascolini teaches a data terminal equipment (DTE) comprising:

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a port (see paragraph 14 on page 1);

at least one signal line connected to the port to establish a communication path (see item 215 in figure 2);

a set of transceivers, each transceiver being associated with a respective circuit in the DTE to establish communication along the communication path in accordance with a selected protocol (see items labeled 225a-d in figure 2);

a switch in each of at least one signal line, each of the switches having a set of connections with each of the transceivers (see items labeled 230n and paragraph 28 on page 2); and

and interface controller providing a control signal to condition the switches to connect all of the signal lines with a connection associated with a selected one of the transceivers to thereby connect the port to selected ones of the circuits in the DTE to accommodate a selected protocol (see paragraph 29 on page 2), wherein the port is connectable to a corresponding port of a data circuit terminating equipment (DCE) to effect communication between the DTE and DCE according to a specified protocol (see paragraph 20 on page 2).

Pascolini teaches the interface controller conditions the switches according to a selected protocol as indicated by a protocol identifier indicative of the selected protocol (see

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paragraph 28 on page 2), but Pascolini fails to teach that the interface controller receives the protocol identifier, from the DCE, independent of the at least one signal line.

Lee teaches, in an analogous system, a DTE receiving a protocol identifier from a DCE independent of the signal lines (see "MODE[2:0]" in figures 3, lines 43-46 of column 5 and lines 16-31 of column 2, wherein MODE[2:0] identifies the protocol and is independent of Rx and Tx signal lines).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the apparatus of Pascolini with the above teachings of Lee. One of ordinary skill in the art would have been motivated to make such modification in order to rapidly reconfigure the DCE without the need of restarting the power as suggested by Lee (see lines 60-67 of column 2).

8. Referring to claims 9 and 15, Pascolini teaches an interface system for coupling a plurality of signals between a DTE and a DCE via a plurality of communication paths, said system having:

a DTE port having at least one signal line to establish one of said plurality of communication paths, said DTE having a set of transceivers each associated with a respective circuit in

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said DTE to establish communication along said communication path in accordance with a selected protocol (see paragraph 8 on page 1);

a DCE port having at least one signal line to establish one of said plurality of communication paths, said DTE having an interface driver circuit to establish communication along said communication path in accordance with said selected protocol (see figure 2 and paragraphs 17 and 18 on pages 1 and 2);

a switch in each of said signal lines, each of said switches having a set of connections with each of said connections associated with a respective one of said transceivers (see paragraph 28 on page 2); and

a control signal to condition said switches to connect all of said signal lines with a connection associated with a selected one of said transceivers (see paragraph 29 on page 2). Pascolini teaches the interface controller conditions the switches according to a selected protocol as indicated by a protocol identifier indicative of the selected protocol (see paragraph 28 on page 2), but Pascolini fails to teach that the interface controller receives the protocol identifier, from the DCE, independent of the at least one signal line.

Lee teaches, in an analogous system, a DTE receiving a protocol identifier from a DCE independent of the signal lines

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(see "MODE[2:0]" in figures 3, lines 43-46 of column 5 and lines 16-31 of column 2, wherein MODE[2:0] identifies the protocol and is independent of Rx and Tx signal lines).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the apparatus of Pascolini with the above teachings of Lee. One of ordinary skill in the art would have been motivated to make such modification in order to rapidly reconfigure the DCE without the need of restarting the power as suggested by Lee (see lines 60-67 of column 2).

9. Referring to claim 2, Pascolini teaches the selected protocol is defined by one of a plurality of electrical interface standards (see paragraph 18 on page 2).

10. Referring to claim 6, Pascolini teaches the interface controller provides the control signal to the switches, the control signal being dependent of the identification signal (see paragraph 29 on page 2).

11. Referring to claim 10, Pascolini teaches the plurality of paths includes a plurality of connector pins (see paragraph 17 bridging pages 1 and 2).



12. Referring to claim 11, Pascolini teaches the DTE connector and DCE connector include a minimal number of predetermined connector pins, wherein said minimal number of predetermined connector pins is determined by any one of said plurality of electrical interface standards having the greatest number of signals needed for communication (see paragraphs 20-27 on page 2).

13. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pascolini in view Lee as applied to claims 1,9, and 15 above and further in view of Applicant's Admitted Prior Art (AAPA).

14. Referring to claims 3 and 12, the combination of Pascolini and Lee teaches the plurality of electrical interface standards includes, but not limited to EIA/TIA-232 and further teaches the port corresponds to a corresponding port of a DCE to effect communication between the DTE and DCE via the selected protocol (see Lee figure 1), however the Pascolini-Lee combination fails to teach the plurality standards includes EIA/TIA-449, EIA/TIA-530, EIA/TIA-530A and IEEE 1284.

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The applicant admits at paragraph 5, of the instant specification, that EIA/TIA-449, EIA/TIA-530, EIA/TIA-530A and IEEE 1284 standards are well known in the art and often used in communication between DTEs and DCEs.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Pascolini and Lee with the above teachings of AAPA. One of ordinary skill would have been motivated to make such modification because these standards is well known and widely used in the art as suggested by the applicant.

15. Claims 7,8,13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pascolini in view Lee as applied to claims 1 and 9 above and further in view of Yu (U.S. Patent No. 5,081,627).

16. Referring to claim 7,8,13, and 14, the combination of Pascolini and Lee fails to teach the system further comprising a power controller for controlling electrical power to the switches depending on whether the port is coupled to the DCE thereby reducing power consumption by the DTE and Pascolini-Lee combination fails to teach a power controller enabling the DCE

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coupled to the port after the selected protocol has been determined.

Yu teaches, in an analogous system, the above limitations (see paragraph bridging columns 3 and 4).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Pascolini and Lee with the above teachings of Yu. One of ordinary skill in the art would have been motivated to make such modification so the DCE would not require a its own power supply, thereby reducing the cost of the system.

#### *Response to Arguments*

17. Applicant's arguments with respect to claims 1,9 and 15 have been considered but are moot in view of the new ground(s) of rejection.

#### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eron J. Sorrell whose telephone number is 571 272-4160. The examiner can normally be reached on Monday-Friday 8:00AM - 4:30PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on 571-272-4147. The fax phone number for the

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organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EJS  
January 11, 2007

  
KIM HUYNH  
SUPERVISORY PATENT EXAMINER

1/16/06